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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,020	03/29/2006	Aloys Wobben	205-A.016	3940
37362	7590	07/09/2007		
NEIL A. STEINBERG 2665 MARINE WAY, SUITE 1150 MOUNTAIN VIEW, CA 94043			EXAMINER GONZALEZ, JULIO C	
			ART UNIT 2834	PAPER NUMBER
			MAIL DATE 07/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/543,020	Applicant(s) WOBBEN, ALOYS	
	Examiner Julio C. Gonzalez	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 and 30-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17, 30, 31, 34, 35 and 42 is/are rejected.
- 7) ☒ Claim(s) 32, 33, 36-41 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/11/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10, 11, 13, 14, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sulz (DE 20102051) in view of Danish Patent (DK 9700453) and Kuhn et al (US 4,017,698).

Sulz discloses a wind power installation having a foundation 26, pylon 25, generator 24, power module having a transformer inside (page 5, line 11), which are inside container 17 (see figure 1). Moreover, it is shown that container 17 has a width and/or length less than the diameter of the pylon 25 (see figure 1).

However, Sulz does not illustrate explicitly having a power module with a transformer on the inside.

On the other hand, the Danish Patent discloses for the purpose of reducing transmission losses in wind turbine collection networks that is highly desirable to have a wind turbine with power module being made up of a transformer inside a

container (see figure 4; page 5, line 25, 26 of Translated Document) and such container being supported by the foundation (see figure 4).

Moreover, it is taught that the container can have a cylindrical cross-section (see figure 2). Also, The Danish Patent teaches that controllers can be positioned inside the wind tower (see page 2, lines 32, 33 of Translated Document) and that the container can be configured to have the shape of the wind turbine tower (see page 3, lines 14-16 of Translated Document), which are well known to be cylindrical. Also, the wind tower can be placed offshore (page 4, line 17 of Translated Document).

Sulz and the Danish Patent disclose all of the elements above. However, neither discloses that the container is a watertight container.

On the other hand, Kuhn et al discloses for the purpose of providing a safe and reliable power network that a container 12 encloses transformer 78 and controllers 52 and that the container has a water-tight door 44 (see figures 1, 1A; column 4, lines 16-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a wind power installation as disclosed by Sulz and to illustrate explicitly having a transformer inside a wind tower for the purpose of reducing transmission losses in wind turbine collection networks as taught by

The Danish Patent and to provide a water-tight container for the purpose of providing a safe and reliable power network as disclosed by Kuhn et al.

3. Claims 12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sulz, The Danish Patent and Kuhn et al as applied to claim 10 above, and further in view of the Document A Feasibility Study on Offshore Wind Turbine System.

The combined wind power installation discloses all of the elements above. However, the combined wind power installation does not disclose explicitly that inside a wind tower, there is enough space for a working crew to perform various activities.

On the other hand, the Document A Feasibility Study on Offshore Wind Turbine System discloses for the purpose of providing a reliable and cost effective offshore system that it is well known in the art to provide wind towers with enough space for crew members to perform different/various activities since it is disclose that routine maintenance work is to be perform (see page 7, under Operation, maintenance and repair requirements subtitle). Moreover, it is discloses that elevators, ladder and cables can be inside the wind tower (see figure 2, 3 and paragraph under subtitle Steel Tower).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power installation as disclosed above and to modify the invention by disclosing that it is known to have ample space inside wind tower for various activities for the purpose of providing a reliable and cost effective offshore system as taught by the Document A Feasibility Study on Offshore Wind Turbine System.

4. Claims 30, 31, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sulz, The Danish Patent and Kuhn et al as applied to claim 10 above, and further in view of Kugler et al (US 3,637,193).

The combined wind power installation discloses all of the elements above. However, the combined wind power installation does not disclose having a cooling fan.

On the other hand, Kugler et al discloses for the purpose of providing to tower devices, an efficient ventilator that it is well known in the art to provide a cooling fan inside a pylon (see figure 2) and having air cooling duct (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power installation as disclosed above and to modify the invention by having a cooling fan for the

purpose of providing to tower devices, an efficient ventilator, as taught by Kugler et al.

5. Claims 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sulz, The Danish Patent and Kuhn et al as applied to claim 10 above, and further in view of Lesser (US 3,912,937)

The combined wind power installation discloses all of the elements above. However, the combined wind power installation does not disclose having a moisture sensor.

On the other hand, Lesser discloses for the purpose of protecting a turbine generator that a moisture sensor 42 can be used.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined wind power installation as disclosed above and to modify the invention by having a moisture sensor for the purpose of protecting a turbine generator as disclosed by Lesser.

Response to Arguments

6. Applicant's arguments filed 06/11/07 have been fully considered but they are not persuasive.

It was argued that Kuhn et al is not related to the base references, Sulz and the Danish Patent. It is reminded that Sulz and the Danish Patent, inherently, disclose a water-tight container since the electrical devices must be protected from water (e.g. rain). Kuhn et al was mainly used to show that such protection for electrical/power devices must include such water protection. Such feature is extremely common and does not provide any novelty to the claims. Anybody with ordinary skill in the art would know that electrical devices have to be protected from contact to water due to damages, short circuits, etc.

7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Allowable Subject Matter

8. Claims 32, 33, 36 - 41, 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jcg

July 5, 2007


JULIO GONZALEZ
PRIMARY EXAMINER